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PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
ROG030.10004

First named inventor: Rogers, Bruce A.

Application No.: 10/763,447

Art Unit: 3732

Filed: January 23, 2004

Examiner: Willatt, Stephanie L.

Title: ADJUSTABLE HAIR HOLDING DEVICE

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

 Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of response to restriction requirement (identify type of reply): has been filed previously on _____
 is enclosed herewith.B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/01/2006 SESHE1
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02 FC:2453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

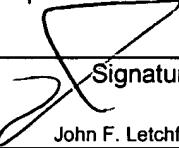
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


 Signature

October 30, 2006

Date

33,328

Registration Number, if applicable

Archer & Greiner, P.C., One Centennial Square

856.354.3013

Address

Telephone Number

Haddonfield, NJ 08033

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Petition for Extension of Time Under 37CFR1.136(a); Checks (2); Postcard**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

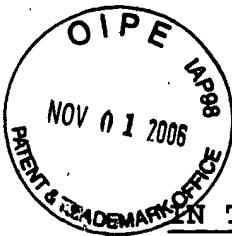
October 30, 2006

Date


 Signature

Jennifer L. Daug

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Bruce A. Rogers, et al. :
Application No.: 10/763,447 :
Filed: January 23, 2004 : Group Art Unit: 3732
For: ADJUSTABLE HAIR HOLDING : Examiner: Unknown
DEVICE :
Atty. Docket No.: ROG030.10004 :

I, John F. Letchford, Registration No. 33,328, certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 30, 2006.

John F. Letchford

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
PATENT APPLICATION PURSUANT TO 37 CFR 1.137(b)
AND ELECTION PURSUANT TO 35 U.S.C. § 121**

In response to the Restriction Requirement set forth in the Official Action dated May 3, 2005 in the instant application, Applicants hereby elect, without traverse, to prosecute the species of the claimed invention identified by the Examiner as Species 3 as shown in FIGS. 10, 11 and 14-17. Currently, claims 1 and 2 are readable on this species.

If necessary, Applicants reserve the option to file during the pendency of the present application one or more divisional application(s) directed to the aspects of Applicants' invention reflected in non-elected Species 1, 2, 4 and/or 5.

Enclosed herewith is a Petition under 37 CFR 1.136(a) requesting a three (3) month extension of time to respond to the Official Action, thereby extending the period for response thereto up to and including November 3, 2005. Also enclosed is a check (no. 233494) in the amount of \$510.00 to cover the fee for the Petition under 37 CFR 1.136(a) set forth in 37 CFR 1.17(a)(3).

Also enclosed is a Petition under 37 CFR 1.137(b) to Revive Unintentionally Abandoned Patent Application filed within one year from the November 3, 2005 abandonment date of the present application, as well as a check (no. 233946) in the amount of \$750.00 to cover the fee therefor set forth in 37 CFR 1.17(m).

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this submission to USPTO Deposit Account No. 503-443.

Should the Office of Petitions have any questions concerning this communication, it may contact the undersigned at the postal address, email address, telephone number or fax number provided below.

Respectfully submitted,



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